

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

CARL SHUPE et al.,

Plaintiffs,

Case No. 1:21-cv-11528

v.

Honorable Thomas Ludington
United States District Judge

ROCKET COMPANIES, INC., JAY FARNER,
DANIEL GILBERT, and
ROCKET HOLDINGS, INC.,

Defendants.

ORDER DENYING STIPULATED ORDER TO ADJOURN ANSWER DEADLINE

On March 22, 2023, the Parties filed the above-attached Stipulation and Order requesting more time for Defendants to respond to Plaintiff's Complaint. Defendants' response is due today, and they seek an extension to April 24, 2023.

Ordinarily, "[a] defendant must serve an answer . . . within 21 days after being served with the summons and complaint." FED. R. CIV. P. 12(a)(1)(A). Although that time is extended when a motion to dismiss is filed, a defendant has 14 days to file an answer once the motion is denied. FED. R. CIV. P. 12(a)(4)(A). With "some exceptions," "[i]f a defendant fails to file an answer as required, the allegations in the complaint, 'other than one[s] relating to the amount of damages' are deemed admitted." *Jones v. Pekoske*, No. 21-1061, 2021 WL 5782380, at *2 (6th Cir. Dec. 7, 2021) (quoting FED. R. CIV. P. 8(b)(6)). In many circumstances, however, "the failure to file an answer may be harmless, most usually where the plaintiff is consistently on notice that the defendant is disputing the facts." *Id.*

Yet, far from the good cause required to grant their request, the Parties have provided no reason for it. *See* FED. R. CIV. P. 6(b)(1)(A).

Accordingly, it is **ORDERED** that the Parties' above-attached Stipulation and Order is **DENIED WITHOUT PREJUDICE**.

This is not a final order and does not close the above-captioned case.

Dated: March 22, 2023

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION**

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CARL SHUPE, Individually and on Behalf of)	
All Others Similarly Situated,)	
)	
Plaintiff,)	Civ. No. 21-11528-TLL-APP
)	Hon. Thomas L. Ludington
v.)	Mag. Judge Anthony P. Patti
)	
ROCKET COMPANIES, INC., et al.,)	
)	
Defendants.)	
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STIPULATION AND ORDER

Lead Plaintiff Carl Shupe and Defendants Rocket Companies, Inc., Rock Holdings Inc., Jay D. Farner, and Daniel Gilbert (collectively, “Defendants,” and together with Lead Plaintiff, “Parties”), hereby stipulate and agree as follows:

WHEREAS, on June 21, 2022, Lead Plaintiff filed an Amended Class Action Complaint for Violations of the Federal Securities Laws (the “Amended Complaint”) in the above-captioned action (the “Action”);

WHEREAS, the Amended Complaint is 354 paragraphs or 145 pages in length and alleges four federal securities law claims;

WHEREAS, on July 8, 2022, Defendants filed a single motion to dismiss all claims on behalf of all Defendants, which was fully briefed on August 30, 2022;

WHEREAS, on March 8, 2023, the Court ruled on Defendants’ Motion to Dismiss;

WHEREAS, under Federal Rule of Civil Procedure 12(a)(4)(A), the deadline for Defendants’ Answer to the Amended Complaint is March 22, 2023; and

WHEREAS, counsel for Plaintiffs and Defendants agree that a modest extension of the deadline for Defendants' Answer to the Amended Complaint is appropriate;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and among the Parties hereto and subject to approval by the Court:

1. Defendants' Answer to the Amended Complaint is due on or by April 24, 2023.
2. By entering into this stipulation, Defendants do not waive, and hereby expressly preserve, all potential defenses in this litigation.

IT IS SO STIPULATED.

Respectfully submitted,

DATED: March 22, 2023

LABATON SUCHAROW LLP
CAROL C. VILLEGAS

/s/ with consent of Carol C. Villegas

Carol C. Villegas

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Lead Counsel for Lead Plaintiff Carl Shupe and the Proposed Class

DATED: March 22, 2023

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